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3 THOMAS E. HARPER,

4 Plaintiff,

5 v.

6 SMART TECHNOLOGIES,

7 Defendant.

8 No. C 11-05232 SBA

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**CASE MANAGEMENT SCHEDULING  
ORDER FOR REASSIGNED CIVIL  
CASES**

15 This action having been reassigned to the Honorable Saundra Brown Armstrong,

16 IT IS ORDERED that this action is assigned to the Case Management Program and shall be  
17 governed by Civil L.R. 16-2. The dates listed in the Order Setting Initial Case Management  
18 Conference remain in effect except that the initial Case Management Conference is rescheduled for  
**February 9, 2012 at 2:30 p.m.**, via telephone.

19 Plaintiff's counsel is to set up the conference call with all the parties on the line and call  
20 chambers at (510) 637-3559. (**NO PARTY SHALL CONTACT CHAMBERS DIRECTLY WITHOUT PRIOR  
21 AUTHORIZATION OF THE COURT.**)

22 Plaintiff(s) is directed to serve a copy of this Order at once on all parties to this action in  
23 accordance with the provisions of Rule 5 of the Federal Rules of Civil Procedure not enrolled in the  
24 e-filing program. Following service, the party causing the service shall file a certificate of service  
25 with the Clerk of Court.

26 Dated: 11/3/11

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SAUNDRA BROWN ARMSTRONG  
United States District Judge

To:

## United States District Court

For the Northern District of California

**JUDGE ARMSTRONG'S STANDING ORDERS**

Effective July 1, 2011

1           **1. Compliance with Local Rules:** Counsel are expected to consult and  
 2 comply with all provisions of the Local Rules of Court relating to continuances,  
 3 motions and all other matters.

4           **2. Scheduling:**

- 5           a. **Criminal:** The criminal law and motion calendar is held on  
              Tuesdays beginning at 10:00 a.m.
- 6           b. **Civil:** The civil law and motion calendar is held on Tuesdays  
              beginning at 1:00 p.m. Civil matters shall not be noticed for  
              hearing on a Tuesday following an official court holiday that falls  
              on a Monday. The Court may resolve motions without a hearing.  
              See Fed. R. Civ. P. 78(b); Civ. L.R. 7-1(b).
- 7           c. **Case Management Conferences:** Case Management Conferences  
              are conducted telephonically, and are held on Wednesdays and  
              Thursdays, beginning at 2:30 p.m.
- 8           d. **Trial:** The Court's trial days are Mondays, Wednesdays, Thursdays  
              and Fridays. Trial hours are from 8:30 a.m. to 2:30 p.m., which  
              includes one fifteen (15) minute break in the morning and a thirty  
              (30) minute lunch break.

9           **3. Setting Motions for Hearing:** The Court does not reserve hearing  
 10 dates. To schedule a matter on the Court's civil law and motion calendar, the parties  
 11 are directed to review the Court's calendar at [www.cand.uscourts.gov](http://www.cand.uscourts.gov) to determine the  
 12 next available hearing date. Matters are calendared on a first come first serve basis.

13           **4. Checking the Calendar Before You Appear:** Before appearing for a  
 14 matter before this Court all parties shall check the court's calendar at  
 15 [www.cand.uscourts.gov](http://www.cand.uscourts.gov) to confirm that their matters are still on calendar.

16           **5. Meet and Confer Requirement:** All parties shall meet and confer  
 17 before filing any motion before the Court. The motion and any other non-stipulated  
 18 request shall include a certification, which may be included in the body of the  
 19 document, that the parties have complied with the meet and confer requirement. The  
 20 Court may disregard any papers submitted that do not comply with this rule.

21           **6. Guilty Pleas:** Prior to a plea being entered in a criminal case, a copy of  
 22 the plea agreement must be submitted to chambers no later than the Friday before the  
 23 plea is to be taken. All persons pleading guilty must complete an application for  
 24 permission to enter plea of guilty, which is available on the Court's website at  
 25 [www.cand.uscourts.gov](http://www.cand.uscourts.gov).

26           **7. Courtesy Copies in e-Filing Cases:** When filing papers in connection  
 27 with any motion or case management conference, the parties shall, in addition to filing  
 28 papers electronically, lodge with the Clerk's Office a printed copy of the papers by the  
              close of business the following day the papers are filed electronically. These printed  
              copies shall be marked "Chambers Copy" and shall be submitted to the Clerk's Office,  
              in an envelope clearly marked with the judge's name, case number and "E-Filing

1 Chambers Copy." Parties shall not file a paper copy of any other document with the  
2 Clerk's Office that has already been filed electronically. You MUST submit a hard copy  
of all motion papers filed in E-FILED cases in order to be placed on calendar.

## 3 OTHER REQUIREMENTS

4 In addition to the requirements set forth in the Civil L.R. 16-10, counsel are  
5 expected to comply with the following:

### 6 A. Filing Case Management Conference Statements

7 Counsel are expected to comply with this Standing Order concerning the joint  
8 filing of the Case Management Statement. In preparing the Case Management  
Statement, the parties shall use the Standing Order for all Judges of the Northern District  
9 of California provided herewith. Note that no party may submit a separate Case  
Management Statement. Disagreements among parties with respect to any of the  
matters contained in the Case Management Statement shall be set forth in the  
appropriate sections.

10 Counsel are further expected to file a Case Management Statement at least ten  
11 (10) days before each and every scheduled Case Management Conference. If there is no  
12 change in the status of the case from the time the last statement was filed, counsel shall  
13 indicate as such in a pleading and attach a copy of the most recently filed Case  
Management Statement to the pleading. Failure to timely file a Case Management  
Statement may result in sanctions.

### 14 B. Appearance at the Case Management Conference

15 Each party shall be represented at the Case Management Conference by Counsel  
16 prepared to address all of the matters referred to in this and the Civil L.R. 16-10(b), and  
17 with authority to enter into stipulations and make admissions pursuant to this and Fed.  
R. Civ. P. 16(a) and (c). Representatives of the parties may, but are not required to,  
18 attend. Unless otherwise specified,  
19 all Case Management Conferences shall take place via telephone. Plaintiff or his/her  
counsel is responsible for setting up the conference call. Plaintiff or his/her counsel will  
be notified of the date and time of the telephone conference call by Clerk's Notice  
shortly after the case is filed.

20 Any request to reschedule the above dates shall be made in compliance with  
21 Civil L.R. 16-2(e) and must be made at least ten days prior to the date sought to be  
modified. A request to continue a Case Management Conference shall be made in a  
22 separately-filed request, separate from the Case Management Conference Statement.  
Counsel shall not contact the chambers of Judge Armstrong regarding requests to  
23 modify provisions of this Standing Order; all requests must be submitted in writing and  
served on all parties to the action.

24 The parties should be prepared to address and resolve at the Case Management  
25 Conference the following: Setting the date and the estimated length of the trial; setting  
the deadline for joining parties and amending the pleadings; setting the date for  
discovery and motion cutoff; setting the date to designate experts and other witnesses;  
setting the date for the pretrial conference.

27 Other matters which the Court will take up at the Case Management Conference,  
28 in addition to those specified in the Joint Case Management Statement and Proposed  
Order Form, will include the following:

**United States District Court**  
 For the Northern District of California

1       1.     **Jurisdiction:** Does this Court have subject matter jurisdiction  
 2 over all of the plaintiff's claim(s) and defendant's counter-claim(s)? What is the basis of  
 3 such jurisdiction? Are all the parties subject to the Court's jurisdiction? Do any parties  
 remain to be served?

4       2.     **Substance of the Action:** What are the factual and legal bases  
 5 for plaintiff's claims, defendant's defenses, defendant's counter-claims and plaintiff's  
 6 defenses to the counterclaims?

7       3.     **Identification of Issues:** What are the factual and legal issues  
 8 genuinely in dispute?

9       4.     **Narrowing of Issues:** What are the issues that can be narrowed  
 10 by agreement or by motions? Are there dispositive or partially dispositive issues  
 11 appropriate for a decision by motion?

12       5.     **Motions:** What are the motion(s) anticipated by the parties?

13       6.     **Relief:** What relief does the plaintiff seek? What is the amount  
 14 of damages sought by plaintiff's claim(s)? What is the amount of damages sought by  
 15 defendant's counter-claim(s)? How are the damages computed?

16       7.     **Discovery:** What discovery does each party intend to pursue?  
 17 Can discovery be limited in any manner? Are there any alternative methods available to  
 18 obtain the necessary information? Should a discovery order and conference be entered  
 19 pursuant to Fed. R. Civ. P. 26(f)?

20       8.     **Alternative Means of Disposition:** Is the case suitable for  
 21 reference to binding arbitration, to a master, or to a magistrate for trial? Is the case  
 22 suitable for reference to the Judicial Panel on Multidistrict Litigation?

23       9.     **Pretrial Conference and Trial Setting:** Will this case be tried  
 24 by a jury? What is the anticipated length of trial? Is it possible to reduce the length of  
 25 the trial by stipulation, use of summaries or statements, or other expedited means of  
 26 presenting evidence? Is it feasible and desirable to bifurcate issues for trial?

27       10.    **Related Cases:** Are there any related cases pending before the  
 28 judges of this Court? See Civil L.R. 3-12.

29       11.    **Cut-Off Dates:** When are the earliest reasonable dates for  
 30 amendment to the pleadings, discovery cutoff, motion cutoff, expert disclosures, pretrial  
 31 conference and trial?

32       12.    **Settlement:** What are the prospects for settlement? Does any  
 33 party wish to have a settlement conference with a magistrate? How can settlement  
 34 efforts be assisted? See ADR L.R. 7-3.

35       13.    **Other Matters:** Such other matters as any party considers  
 36 conducive to the just, speedy and inexpensive determination of this action. See  
 37 Fed.R.Civ.P. 16(a) and (c).

38       C.     **Law and Motion**

1           1.     **Scheduling:** Law and Motion matters will be heard on Tuesdays  
 2 at 1:00 p.m., in Courtroom 1 of the United States Courthouse, 1301 Clay Street, 4th  
 3 Floor, Oakland, California. The parties need not reserve hearing dates. The parties are  
 4 advised to check the court's calendar at [www.cand.uscourts.gov](http://www.cand.uscourts.gov) [Judges | Saundra  
 Brown Armstrong | Judge's Calendar | View Scheduling Notes] for the next available  
 hearing date. Matters are calendared on a first come first serve basis. You must submit a  
hard copy of all motion papers filed in E-FILED cases in order to be placed on calendar.

5           2.     **Page Limits:** All noticed motions (other than motions for  
 6 summary judgment) and any opposition thereto, shall not exceed **fifteen (15) pages** in  
 7 length, exclusive of the table of contents, table of authorities, exhibits and declarations,  
 if required. Reply briefs may not exceed **ten (10) pages** in length. Motions for  
 summary judgment are subject to the page limits set forth in Civil Local Rule 7.

8           3.     **Meet and Confer Requirement:** All parties are required to meet  
 9 and confer before filing any motion or any non-stipulated request with this court, and to  
 certify that they have complied with this requirement.

10          4.     **Proposed Orders:** Each party filing or opposing a motion shall  
 11 also serve and file a proposed order which sets forth the relief of action which includes  
 12 that the party requests the Court to adopt, a short statement of the rationale of decision  
 including citation to authority.

13          5.     **Summary Judgment Motions:** Parties are limited to filing one  
 14 motion for summary judgment. Any party wishing to exceed this limit must request  
 15 leave of Court. The parties are not required to file statements of undisputed facts in  
 16 connection with a motion for summary judgment. However, if the parties desire to file a  
 17 statement of undisputed facts, only one joint statement of undisputed facts signed by all  
 18 parties shall be filed. All separate statements will be stricken. If the parties are unable to  
 agree that a fact is undisputed, they should assume that fact is in dispute.

19          6.     **Failure to File Opposition:** The failure of the opposing party to  
 20 file a memorandum of points and authorities in opposition to any motion shall constitute  
 21 a consent to the granting of the motion.

22          7.     **Appearances:** The Court may, in its discretion, adjudicate  
 23 motions without oral argument. Fed. R. Civ. P. 78(b); Civ. L.R. 7-1(b). The parties are  
 24 advised to check the Court's website [www.cand.uscourts.gov](http://www.cand.uscourts.gov) [Judges | Saundra Brown  
 25 Armstrong | Judge's Calendar] to determine whether an appearance on the motion is  
 required. NOTE: If a Case Management Conference is scheduled to follow the hearing  
 on the motion, and the motion has been removed from the calendar, the Case  
 Management Conference is deemed to have been taken off calendar as well, and will be  
 rescheduled, if appropriate.

26          8.     **Non-Compliant Papers:** Any pleading or brief sought to be filed  
 27 with the Court after the required time, or in an improper manner or form, shall not be  
 28 received or considered by the Court. Any attorney in violation of such requirements  
 will be subject to other sanctions. Civil L.R. 1-4.

29          9.     **Sanctions:** Failure to comply with this Order or the Local Rules  
 30 of this Court may result in sanctions. See Fed.R.Civ.P. 16(f); Civil L.R. 1-4.

31           **D.     Discovery Motions**

32          All discovery disputes will be referred to a Magistrate Judge of this Court.

**United States District Court**

For the Northern District of California

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SAUNDRA BROWN ARMSTRONG  
United States District Judge